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Counsel for Lexington Insurance Company

UNITED STATES BANKRUPTCY COURT
DISTRICT OF WYOMING

In re:) Chapter 11
)
POWELL VALLEY HEALTH CARE, INC.) Case No. 16-20326
)
Debtor-in-Possession)

**MOTION TO VACATE AND CONTINUE HEARING SET FOR
DECEMBER 12, 2017 ON INSURANCE COMPANIES' JOINT MOTION FOR
RELIEF FROM THE AUTOMATIC STAY**

COME NOW Lexington Insurance Company (“**Lexington**”) on behalf of itself and UMIA Insurance, Inc. (“**UMIA**”) and Homeland Insurance Company of New York (“**Homeland**”) (collectively, the “**Insurance Companies**”), each a party in interest in the Debtor’s Chapter 11 case, for this Motion to Vacate and Continue (the “**Motion**”) the Hearing set for December 12, 2017, at 9:00 a.m. (the “**Hearing**”) on the Insurance Companies’ Joint Motion for Relief From

Automatic Stay to Permit Prepetition Litigation to Continue in the United States District Court for the District of Wyoming (Docket No. 354) (the “**Stay Relief Motion**”) and all pleadings filed in opposition thereto (Docket Nos. 373 and 374). In support of the Motion, the Insurance Companies state as follows:

1. Since filing the Stay Relief Motion on October 31, 2016, the Court has approved the debtor’s Second Amended Disclosure Statement (Docket No. 713) and scheduled a confirmation hearing for the Debtor’s Amended Plan of Reorganization for December 12, 2017 at 9:00 a.m. (Docket No. 714).

2. The Insurance Companies and the Debtor and Official Committee of Unsecured Creditors have reached a negotiated agreement to resolve the Insurance Companies’ objections to the Debtors’ Amended Plan of Reorganization. This agreement is memorialized in a December 5, 2017 Stipulation Between Debtor, Lexington Insurance Company, Homeland Insurance Company Of New York And Official Committee Of Unsecured Creditors Regarding Amended Chapter 11 Plan Of Reorganization For Powell Valley Health Care, LLC dated December 5, 2017 (Docket No. 757) (the “Stipulation”). The Agreement set forth in the stipulation requires certain changes be made to the Amended Plan of Reorganization, and certain associated plan documents.

3. In order to facilitate the above-mentioned agreement, and to allow time to memorialize and seek approval of separate settlement agreement between the Debtor and UMIA, the Insurance Companies and the Debtor have agreed to adjourn the Confirmation hearing on the Debtors’ Amended Plan of Reorganization and the Hearing on the Stay Relief Motion for approximately 30 days.

4. As a result, The Insurance Companies request that the Court continue the Hearing on the Stay Relief Motion to a date approximately 30 days after December 12 that is available to the Court so that the Stay Relief Motion may be heard in tandem with the adjourned confirmation hearing for the Debtor's Amended Plan of Reorganization.

5. Counsel for Lexington has conferred with counsel for UMIA and Homeland who have granted authority to the undersigned to file this Motion on their collective behalf.

WHEREFORE, the Insurance Companies respectfully request the Court enter an order substantially in the form attached hereto at **Exhibit A** which: (1) vacates the Hearing set for December 12, 2017 and (2) continues the Hearing on the Stay Relief Motion to a date approximately 30 days after December 12 that is available to the Court so that the Stay Relief Motion may be heard in tandem with the adjourned confirmation hearing for the Debtor's Amended Plan of Reorganization.

Dated: New York, New York
December 8, 2017

HALL & EVANS, LLC

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CERTIFICATE OF SERVICE

The undersigned certifies that on December 8, 2017, a copy of the foregoing was served *electronically* upon those parties indicated below:

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<u>Debtor:</u> Bradley T. Hunsicker (Wyo. Bar 7-4579) Markus Williams Young & Zimmermann LLC 106 East Lincoln way, Suite 300 Cheyenne, WY 82001 Telephone: 307-778-8178 bhunsicker@markuswilliams.com	<u>Attorneys for Official Committee of Unsecured Creditors:</u> Scott J. Goldstein Philip A. Pearlman Jamie N. Cotter Spencer Fane 1000 Walnut Street, Suite 1400 Kansas City, MO 64106 1700 Lincoln Street, Suite 2000 Denver, CO 80203 sgoldstein@spencerfane.com jcotter@spencerfane.com ppearlman@spencerfane.com

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